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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Written statement submitted by the Transnational Radical Party, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 March 1997]

Discrimination and stigmatization in the context of HIV/AIDS

1. After more than 15 years, AIDS is still a global pandemic, and people living with HIV/AIDS are still victims of stigmatization throughout the world. Stigma and discrimination are tragic effects of the HIV/AIDS pandemic, causing great human suffering and also undermining public health efforts to prevent further HIV spread. Stigma and discrimination are, without any doubt, the enemies of public health. For this reason, preventing discrimination toward HIV-infected people and those with AIDS has been made an essential part - for the first time in history - of the public health strategy in order to prevent and control the global epidemic.

2. In recent years, the epidemic has taught a large lesson: HIV/AIDS is not just a global health problem, and the rights of information, education, health and non-discrimination for all people, especially for vulnerable and marginalized groups such as women, children, minorities, indigenous people, refugees, homosexuals, sex workers, drug users and prisoners, are the keys to stopping the spread of the HIV/AIDS epidemic. In fact, even the course of

the HIV/AIDS pandemic has stressed that vulnerability to becoming infected with HIV derives directly from stigma and discrimination. Systematic HIV-related human rights violations have been reported from many countries, perpetrated by governmental and non-governmental agencies in contradiction to internationally accepted public health standards, human rights treaties, and often local laws.

3. Discrimination and stigmatization are counterproductive to preventing and controlling HIV/AIDS, while anti-discrimination measures form a component part of an effective public health strategy. Therefore, Governments should take measures to avoid social stigmatization of and discrimination against those affected by HIV/AIDS, and strengthen national and international mechanisms that are concerned with HIV/AIDS-related human rights and ethics. Informed and responsible behaviour can prevent HIV transmission. This explains the role and responsibility of individuals, groups and organs of society to promote, in a spirit of human solidarity and tolerance, a social environment that supports prevention of the HIV/AIDS pandemic.

4. Tragically, the HIV epidemic continues to grow, and it is not by chance that the 90 per cent of those living with HIV/AIDS can be found in the developing countries, and within every society in which there are marginalized people living in poverty and suffering from inadequate human rights protection. But what is doubly tragic about the continuing growth of HIV infection is that the disease is entirely preventable. Numerous studies have confirmed that targeted prevention reduces risk behaviours and rates of new infections among women, communities of colour, heterosexuals, homosexuals and youth.

5. All States should monitor the status and the trends of the HIV/AIDS epidemic in order to interpret the changes in the trends, as well as to detect a potentially explosive epidemic in its early stages, especially in those countries and areas with potentially explosive epidemics such as India, Cambodia, Myanmar, Indonesia, several countries in West Africa, and South Africa.

6. All States need to take the necessary steps, including accessible and affordable health care, appropriate and speedy redress procedures, and the introduction of protective legislation and appropriate education to combat discrimination, prejudice and stigma, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people living with HIV/AIDS, their families and associates, with particular attention to women, children and vulnerable groups. All States need to strengthen their efforts to advance the legal, economic and social status of women, children and vulnerable groups to render them less vulnerable to the risk of HIV infection and to the adverse socio-economic consequences of the AIDS pandemic.

7. All States should ensure, where necessary, that their laws, policies and practices, including those regarding HIV/AIDS, respect human rights standards. These standards should include employment, travel without restrictions, and housing. They should also include the right to privacy and integrity of people living with HIV/AIDS and the prohibition of HIV/AIDS-related discrimination, without having the effect of inhibiting programmes for the prevention of HIV/AIDS and for the care of persons who are infected.

8. Recalling resolution 1996/43 of 19 April 1996 and other relevant resolutions and decisions adopted by bodies of the United Nations system, as well as by other competent forums,

Welcoming the Final Declaration of the Paris AIDS Summit, of 1 December 1994, the Cairo Programme of Action, the Copenhagen Declaration, the Beijing Declaration and Platform for Action and the New Delhi Declaration and Action Plan on HIV/AIDS: Law and Humanity, of 10 December 1995, in all of which the pledge was made to promote and protect the rights of people infected and affected by HIV/AIDS,

Welcoming also the establishment of the Joint United Nations Programme on HIV/AIDS (UNAIDS),

Concerned that HIV/AIDS-related human rights issues are still not adequately addressed by United Nations human rights bodies and human rights non-governmental organizations,

Stressing the responsibility of Governments to take measures to counter stigmatization $ and discrimination against those affected by HIV/AIDS, and their commitment to strengthen national and international mechanisms that are concerned with HIV/AIDS-related human rights and ethics,

We ask the High Commissioner for Human Rights to consider appropriate methods to keep the protection of human rights in the context of the HIV/AIDS pandemic under continuous review, to monitor government and private practices that increase vulnerability to infection and discriminate against people living with HIV/AIDS, and to ensure that women, children, low-income and disadvantaged groups have equal access to available HIV information, education, health services, prevention methods and, most importantly, access to all the available medications;

We encourage the elaboration of guidelines, with the collaboration of the Centre for Human Rights and the UNAIDS, non-governmental agencies and others. In this regard, a reflection can be made on the possible organization of a second international expert consultation on human rights and AIDS;

We also ask the Secretary-General to consult with Governments, relevant United Nations bodies, specialized agencies and non-governmental organizations about the protection of human rights in the context of the HIV/AIDS pandemic, and to submit to the fifty-third session of the Commission a progress report on the development of a human rights component in the United Nations programme on HIV/AIDS and on the status of the guidelines mentioned above.